

14. (Amended) A method for producing a selected protein, comprising[,] culturing a host which has been infected with a recombinant adenovirus vector according to Claim 11, wherein said heterologous DNA encodes a selected protein.

15. (Amended) A method for producing a selected protein, comprising culturing a transformed host which has been transformed with a vector according to Claim [1] 17, wherein said heterologous DNA encodes a selected protein.

Add new claim 17 as follows:

--17: (New) The ^{adenovirus} vector according to Claim 1, wherein said ^{adenovirus} vector further comprises heterologous DNA inserted in said at least one insertion site.--

REMARKS

Claims 1-16 are pending in the subject application. Claims 10 and 13-15 have hereinabove been amended. New claim 17 has been added. Therefore, the claims now under consideration are claims 1-17, as amended and added.

In the Communication, the Examiner required restriction to one of the following alleged inventions under 35 U.S.C. § 121:

Group I	Claims 1-11 and 16, drawn to expression vectors and a method for making same;
Group II	Claim 12, drawn to an animal infected with an adenovirus vector;
Group III	Claims 12 and 13, drawn to unicellular hosts transformed with an expression vector; and
Group IV	Claims 14 and 15, drawn to a method of producing a protein.

In response to this restriction requirement, applicant hereby elects Group I, claims 1-11 and 16, for

prosecution at this time. However, applicant respectfully traverses the restriction requirement and requests that it be withdrawn.

It is applicant's belief that the inventions of Groups II-IV are not patentable over the invention of Group I. Accordingly, applicant hereby expressly admits that the claimed inventions are obvious over each other within the meaning of 35 U.S.C. § 103. Accordingly, restriction should not be required (M.P.E.P. § 803).

Please address any questions to applicant's undersigned attorney at the number listed.

Respectfully submitted,

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9/21/95	<u>Sherri A. Moscato</u>
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